

**AMENDMENTS  
TO THE  
IMSO CONVENTION  
AS PROPOSED BY  
THE UNITED STATES OF AMERICA**

**Preamble**

***The fourth paragraph is replaced with the following text***

BEARING IN MIND that the International Maritime Satellite Organization (INMARSAT) has, in accordance with its original purpose, established a global mobile satellite communications system for maritime communications, including distress and safety communications capabilities which are specified in the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended from time to time, and the Radio Regulations specified in the Constitution and the Convention of the International Telecommunication Union (ITU), as amended from time to time, as meeting certain radiocommunications requirements of the Global Maritime Distress and Safety System (GMDSS),

***The following new text is added as the twelfth to fifteenth paragraphs of the Preamble***

ACKNOWLEDGING FURTHER that the IMO through the Maritime Safety Committee (MSC) at its 81st session adopted amendments to SOLAS chapter V in Resolution MSC.202(81) relating to the long range identification and tracking of ships (LRIT), adopted resolution MSC.210(81) containing an Annex detailing the performance standards and functional requirements for LRIT, and adopted resolution MSC.211(81) on arrangements for the timely establishment of the long range identification and tracking system ,

ACKNOWLEDGING FURTHER that the Annex to Resolution MSC 210(81) specified the performance standards and functional requirements for the LRIT Co-ordinator and stated that the LRIT Co-ordinator should be appointed by the MSC,

ACKNOWLEDGING ALSO that the MSC, at its 82<sup>nd</sup> session appointed IMSO as the LRIT Co-ordinator, to provide LRIT Coordination services at no cost to the Member States of the IMO, to the Parties to the IMSO, or to the ships participating in the system,

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AFFIRMING that the Parties desire that IMSO perform the function of LRIT Co-ordinator in full conformity with the performance standards and functional requirements for the LRIT Coordination set forth in section 14 of the Annex to Resolution MSC.210(81), as amended from time to time.

### **Article 1: Definitions**

***The following text is added as new sub-paragraphs (c) and (d)***

- (c) “IMO” means the International Maritime Organization.
- (d) “LRIT” means the long range identification and tracking of ships under standards and procedures adopted by the Maritime Safety Committee of the International Maritime Organization.

***Sub-paragraph (c) is re-numbered sub-paragraph (e)***

***The following text is added as new paragraph (f)***

- (f) “MSC” means the Maritime Safety Committee of the IMO.

***Sub-paragraphs (d) and (e) are re-numbered sub-paragraphs (g) and (h)***

***The following text is added as new sub-paragraphs (i), (j), (k) and (l)***

- (i) “LRIT Services Agreement” means an Agreement executed by the Organization and either an LRIT Data Centre or an LRIT Data Exchange, as referred to in Article 6(2).
- (j) “LRIT Data Centre” means a data centre operating in conformity with sections 7, 8 and 9 of the Annex to Resolution MSC 210(81), as amended from time to time.
- (k) “LRIT Data Exchange” means a data exchange operating in conformity with section 10 of the Annex to Resolution MSC 210(81), as amended from time to time.
- (l) “LRIT Co-ordinator” means a co-ordinator appointed by the MSC to carry out the functions and duties specified in section 14 of Resolution MSC.210(81), as amended from time to time.

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**Article 4 - Other Functions is replaced by the following text**

Subject to the decision of the Assembly, the Organization may assume functions and/or duties of Co-ordinator of Long-Range and Tracking of Ships (LRIT), at no cost to Parties, in accordance with the decisions of the International Maritime Organization. In performing these functions and duties the Organization shall perform the LRIT Co-ordinator functions and duties specified by the IMO in a fair and consistent manner.

**Article 5 – Oversight - is renamed Oversight of the GMDSS and is replaced by the following text**

(1) The Organization shall execute a Public Services Agreement with each Provider, and shall conclude such other arrangements as may be necessary to enable the Organization to perform its oversight functions, and to report as well as make recommendations, as appropriate, for the GMDSS.

(2) Oversight of Providers by the Organization for the GMDSS shall be based on:

- (a) any specific conditions or obligations imposed by the International Maritime Organization during, or at any stage after, the recognition and authorization of the Provider for the GMDSS;
- (b) relevant international regulations, standards, recommendations, resolutions and procedures relating to the GMDSS;
- (c) the relevant Public Services Agreement and any other related arrangements concluded between the Organization and the Provider of the GMDSS.

(3) Each Public Services Agreement between IMSO and a Provider shall include, *inter alia*, general provisions, common principles and appropriate obligations for the Provider in accordance with a Reference Public Services Agreement and guidelines developed by the Assembly, including arrangements for the provision of all the information necessary for the Organization to fulfil its purpose, functions and duties, consistent with Article 3(1).

(4) All Providers recognized for the GMDSS shall execute Public Services Agreements which shall also be executed by the Director on behalf of the Organization. Such Public Services Agreements shall be approved by the Assembly. The Director shall circulate the Public Services Agreements to all



Parties. Such Agreements shall be considered approved by the Assembly unless more than one-third of the Parties submit written objections to the Director within three months from the date of circulation.

***A new Article is inserted as follows:***

**Article 6 - LRIT Co-ordinator Services**

(1) The Organization may perform the functions and duties of LRIT Co-ordinator in accordance with section 14 of the Annex to Resolution MSC.210(81), Performance Standards and Functional Requirements For The Long-Range Identification and Tracking of Ships, as adopted by the MSC on 19 May 2006. The Organization may perform the functions and duties of LRIT Co-ordinator in accordance with any amendment made by the MSC to section 14 of the Annex to Resolution MSC.210(81), Performance Standards and Functional Requirements For The Long-Range Identification and Tracking of Ships, only if such amendment is approved by the IMSO Assembly.

(2) In order to perform its LRIT Co-ordinator functions and duties, including recovery of the costs incurred, the Organization may enter into contractual relationships, including LRIT Services Agreements with LRIT Data Centres, LRIT Data Exchanges or other relevant entities, on such terms and conditions as may be negotiated by the Director. All such contractual relationships shall be approved by the Assembly and shall be at no cost to the member States of IMO, the Parties to IMSO, or ships participating in the system. All such contractual relationships shall also include a provision specifying that no liability will accrue to the Parties of IMSO by reason of IMSO's performance of any duties and functions as LRIT Co-ordinator.

**Articles 6 to 9 are renumbered Articles 7 to 10**

**Article 10 Assembly – Functions is renumbered Article 11 and replaced with the following text:**

The functions of the Assembly shall be:

- (a) to consider and review the purposes, general policy and long term objectives of the Organization and the activities of the Providers of the GMDSS which relate to the primary purpose;
- (b) to take any steps or procedures necessary to ensure that each Provider carries out its obligation of providing maritime mobile satellite

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communications services for the GMDSS, including approval of the conclusion, modification and termination of Public Services Agreements for the GMDSS;

- (c) to decide upon questions concerning formal relationships between the Organization and States, whether Parties or not, and international organizations;
- (d) to decide upon any amendment to this Convention pursuant to Article 20 thereof;
- (e) to appoint a Director under Article 12 and to remove the Director;
- (f) to review and approve the budget proposals of the Director;
- (g) to consider and review the purposes, general policy and long term objectives of the Organization in the performance of the Organization's role as LRIT Co-ordinator and to take appropriate steps necessary to ensure that the Organization performs its role as LRIT Co-ordinator, as specified in Section 14 of the Annex to Resolution MSC.210(81), and in any amendments to the Resolution approved by the IMSO Assembly;
- (h) to review and approve any amendment made by the MSC to section 14 of the Annex to Resolution MSC.210(81);
- (i) to review and approve all actions related to any contractual arrangements, as negotiated by the Director under Article 6(2);
- (j) to exercise any other function conferred upon it under any other Article of this Convention.

***Article 11 is renumbered Article 12***

***Article 12 Costs is renumbered Article 13 and replaced with the following text***

- (1) The Organization shall keep separate, accurate records of time spent by the Director and staff and costs incurred for (i) GMDSS oversight and (ii) LRIT functions and duties. Records shall be kept in such form and manner as is necessary and appropriate to allow an allocation of time and costs between

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oversight of GMDSS Providers and the performance of LRIT Co-ordinator functions and duties. The Organization shall arrange for the costs associated with the following to be paid by Providers of the GMDSS and by entities with which the Organization has entered into contractual relationships, including LRIT Services Agreements for the performance of LRIT Co-ordinator functions, in accordance with such allocation of costs:

- (a) the operation of the Directorate;
  - (b) the holding of Assembly sessions and meetings of its subsidiary bodies; and
  - (c) the implementation of measures taken by the Organization in accordance with Article 4 to ensure that the Provider carries out its obligation of providing maritime mobile satellite communications services for the GMDSS; and
  - (d) the implementation of measures taken by the Organization in accordance with Article 6 in its role as LRIT Co-ordinator.
- (2) The costs defined in paragraph (1) shall be apportioned according to rules, established by the Assembly.
- (3) No Party shall be obligated to pay for any costs associated with the performance by the Organization of the functions and duties of LRIT Coordination by reason of its status as a Party to this Convention.
- (4) Each Party shall meet its own costs of representation at Assembly sessions and meetings of its subsidiary bodies.

***Articles 13 to 21 are renumbered Articles 14 to 22***

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